

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ARNISSA O'BANNON,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 09-960-GPM
)	
TERMINAL RAILROAD ASSOCIATION)	
OF ST. LOUIS,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

Plaintiff is proceeding *pro se* in this action, in which she claims race and gender employment discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e. Plaintiff filed her form *pro se* complaint on November 18, 2009, and paid the \$350.00 filing fee. To date, nothing else has happened in this case.

The United States District Court for the Southern District of Illinois has promulgated a Pro Se Litigant Guide, which is available on the Court's website, www.ilsd.uscourts.gov, and in the Office of the Clerk of Court. The cover of the Guide includes the following instruction: "This guide is designed to assist you if: (1) You want to file a lawsuit in federal court or you have an active role, either as a plaintiff or a defendant, in a case that you or someone else has filed already in federal court; and (2) You have elected to proceed without the assistance of a trained and licensed attorney." The Guide "outlines the basic steps that are required to properly file an action" and "provides some general guidance on the next steps in the process of litigating the action" once it has been filed. PRO SE LITIGANT GUIDE (revised Jan. 2010), p. 1. The Guide contains the following warning: "You are

responsible for learning and following the procedures that govern the court process. Although the staff of the Clerk's Office can provide general information concerning court rules and procedures, staff is forbidden as a matter of law from providing legal advice, from interpreting and applying court rules, or otherwise participating, directly or indirectly, in an action." *Id.* The Guide further instructs that the plaintiff is responsible for notifying each defendant of the lawsuit through a process – referred to as service of process – specified by law. *Id.* at p. 6. Importantly, the Guide states:

The provisions for service of process are described in Rule 4 of the Federal Rules of Civil Procedure. If the service of process requirements are not followed correctly, the case can be dismissed.

You have 120 days after the complaint is filed to serve the complaint upon the defendants(s). It is your responsibility to properly serve the complaint. If you fail to do so within 120 days, your case may be dismissed.

Id. Rule 4(m) of the Federal Rules of Civil Procedure provides: "If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time."

Plaintiff has failed to accomplish service of process in accordance with Federal Rule of Civil Procedure 4. Plaintiff is hereby **GIVEN NOTICE** that if service is not made – including any proof of service required under Rule 4(l) – by **April 23, 2010**, this action will be dismissed without prejudice. Plaintiff can access the federal rules on the internet at www.uscourts.gov/rules or in the law library located on the third floor of the East St. Louis federal courthouse.

IT IS SO ORDERED.

DATED: 04/05/10

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge